

REMARKS

Claims 1-9, 13-25, 28-30 and 35 currently appear in this application. The Office Action of June 20, 2007, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Amendments to the Claims

The claims have been amended to delete "or hydrates" from the claims containing this phrase.

Claim 1 and claims dependent therefrom have been amended to recite that R₇ is hydrogen, optionally substituted straight-chained or branched C₁₋₃ alkyl, optionally substituted amino... Support for this amendment can be found in the specification as filed at page 13, lines 3-7.

With respect to the recitation in claim 1 which reads "R₁₁ is hydrogen, optionally substituted straight-chained or branched C₁₋₃ alkyl, etc." The substituent is optionally present on the C₁₋₃ alkyl. Support for this amendment can be found in the specification as filed at page 15, line 21 to page 16, line 7.

With respect to the recitation in claim 1 in which "R14 and R15", which may be the same or different, are each hydrogen, optionally substituted straight-chained or branched C₁₋₄ alkyl, support for this amendment can be found in the specification as filed at page 16, lines 19-27.

Rejections under 35 U.S.C. 112

Claims 1-9, 13-25, 28-30 and 35 are rejected under 35 U.S.C. 112, first paragraph, because the specification is said not to be enabling for all of the compounds claimed. This rejection is respectfully traversed.

Submitted herewith is the declaration of Tsutomo SATO, one of the applicants of the subject application. In this declaration, Mr. Sato notes that compounds whose experimental binding assay results were not provided in the instant specification, these compounds exhibited an activity of binding to a motilin receptor. From the results shown in this declaration, it is respectfully submitted that one skilled in the art would consider that the compounds now claimed have motilin receptor binding activity similar to those compounds demonstrated to have this motilin receptor binding activity. The Examiner cited *Cavallito and Gray*, 127 USPQ 202 (CCPA 1960), stating that if the compounds have the same activity they would be enabled. This was affirmed in *In re Cavallito*, 134 USPQ 206 (CCPA 1960). However, as the

presently claimed compounds are closely related, and all of the compounds tested have motilin receptor binding ability, it is respectfully submitted that there is enablement for all of the compounds claimed herein.

Claims 1-9, 13-25, 28-30 and 35 are rejected under 35 U.S.C. 112, first paragraph, because the specification is said not to provide enablement for making hydrates of the claimed compounds. This rejection is respectfully traversed.

The claims have been amended to delete references to hydrates. Therefore, this rejection is now moot.

Art Rejections

Claims 1-5, 13-18, 20, 22, 24, 25, 28, 29 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by HCAPLUS 101:66177.

This rejection is respectfully traversed. The claims have been amended to delete any reference to the compounds disclosed in HCAPLUS.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

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Respectfully submitted,

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